



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/227,406	01/08/1999	GEOFFREY MARC MILLER	102591/1	8345

23838 7590 12/17/2003
KENYON & KENYON
1500 K STREET, N.W., SUITE 700
WASHINGTON, DC 20005

EXAMINER

AKERS, GEOFFREY R

ART UNIT PAPER NUMBER

3624

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/227406

Applicant(s)

Miller

Examiner

Hers G

Art Unit

3224

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/10/03
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 60-83 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 60-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 3624

DETAILED ACTION

Response to Amendment

1. This action is issued in reply to applicant's Amendment I(Paper #25) filed 10/12/03.
2. No claims were amended. None were deleted. None were added.
3. Claims 60-83 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 60-83 are rejected under 35 USC 103(a) as unpatentable over Jachmann(US Pat. No: 5,146,439) in view of Kikinis(US Pat. No: 5,875,436) and further in view of Clark(US Pat. No: 5,974,389).
6. As per claims 60-83, Jachmann teaches a computer implemented records management system having dictation/transcription capability(Abstract)(Fig 1)(Fig 2A)(Fig 2B)(col 2 lines 28-51).Jachmann teaches wherein the electronic document includes a transcription(col 2 lines 28-38).Jachmann teaches wherein the electronic document includes an administrative report, the first computer directory represents a file room, the status indicates awaiting receipt of the report

Art Unit: 3624

for printing and the second computer directory represents a printer(Fig 1/44)(Fig 2B)(Fig 3A)(Fig 4).Jachmann teaches according to the method/system and teaches general updating to reflect status of dictation jobs(col 5 lines 24-26).Jachmann also teaches job ID numbers and physician ID number and report type as well as work station(col 4 lines 42-52) which display a report showing the work assigned to each department as well as the status of every medical report at all times(col 5 lines 15-23).Jachmann also teaches the age of work assigned to each department(col 4 line 62).Jachmann also teaches the length of the dictation and the physician ID to track provider workload in making new assignments(col 4 lines 43-53). Jachmann also teaches wherein the database table entry is associated with the electronic document via a file-naming convention(col 5 lines 15-23)(col 4 lines 38-68). Jachmann also teaches wherein the electronic document is transferred by a copy command(col 5 line 59-col 6 line 4)(col 6 lines 51-65). Jachmann further teaches where the electronic document is transferred by a move command(col 5 lines 15-19)(col 6 lines 45-47)(Fig 2B/310). Jachmann further teaches sending the job record to the server(Fig 2A/190) and subsequently sending data and report type to work station(Fig 2A/220).Jachmann also teaches getting a summary report(Fig 4/350-1) and merging information with summary report(Fig 4/350-2) and storing the summery report(Fig 4/350-3). Jachmann teaches a computer-implemented method comprising electronically sensing(Fig 2A/110)(col 4 lines 24-37) an arrival of an electronic document in a first computer directory representing an office department and querying a database for a status of the electronic document and updating

Art Unit: 3624

the status of the electronic document in the database and copying the electronic document to a second computer directory(col 6 lines 45-50)(col 5 lines 15-23).Jachmann teaches representing a different office department based on the retrieved status(Fig 1/10/20/42). Kikinis teaches a virtual office (col 2 line 60-col 3 line 6)(Abstract).Kikinis teaches wherein the receipt of the electronic document is identified by monitoring the first computer directory at predetermined intervals for a presence of the electronic document(col 3 lines 23-29). Kikinis further teaches a transcription system with a transcription server(col 1 line 66) comprising a recording and listing module(col 2 lines 29-30) and an alert module(col 2 line 33) and a forwarding module(col 2 line 38). Kikinis also teaches a dictation system that is transcribed into a voicemail recording device(col 2 lines 60-63).Kikinis further teaches that a dictation may be e-mailed to a transcription center(col 3 lines 7-30).Kikinis further teaches the transcription server alerting a pager to have information to be transcribed(col 3 lines 7-30). It would have been obvious to one skilled in the art at the time of the invention to combine Jackmann in view of Kikinis to teach the above. The motivation is to teach an electronic office service providing full transcription capability without physical encumbrances as enunciated by Kikinis(col 1 lines 56-60). Clark also discloses a computer-based system for automating administrative procedures in a medical office comprising a control module, a database management system and server(Fig 1/104) and an administrative module in communication with the control module and a doctor's computer in contact with the system server that contains the database management system in Figure 1.Clark

Art Unit: 3624

further discloses a tape management module in communication with the control module as well as a transcriber's computer(col 4 line 24) including dictation apparatus in contact with the system server in Figure 1. Clark also discloses the system server which includes Patient Record Database and is connected to the doctor's computer, nurse's computer transcriber's computer(col 3 line 35-col 7 line 14). Clark further discloses a doctor's computer(Fig 1/110) and a nurse's computer(Fig 1/112) and a transcriber's computer(Fig 1/114) as well as a reporting information database(Fig 1/108)(col 5 lines 1-4). Clark further discloses a doctor's dictating a detailed encounter with the patient(col 4 lines 29-53). Clark further discloses recording an encounter session with a patient(col 6 lines 6-9) which may, in the special case be none. Clark also discloses a database management system(col 5 lines 50-60)(Fig 1/104) which includes a patient workflow subsystem(Fig 1/105) and which provides a means of accessing management reports for each department in patient workflow(col 5 line 52-col 7 line 7). It would have been obvious to one skilled in the art at the time of the invention to combine Jackmann in view of Kikinis and further in view of Clark to teach applicant's disclosure. The motivation is to teach an electronic office service providing full transcription capability and with efficient workflow management in a flexible and efficient manner as enunciated by Clark(col 2 lines 33-39).

Art Unit: 3624

Response to Arguments

6. Applicant's arguments with respect to claims 60-83 have been considered but are not persuasive. Jachmann also teaches job ID numbers and physician ID number and report type as well as work station(col 4 lines 42-52) which display a report showing the work assigned to each department as well as the status of every medical report at all times(col 5 lines 15-23). Jachmann also teaches the age of work assigned to each department(col 4 line 62). Jachman also teaches the length of the dictation and the physician ID to track provider workload in making new assignments(col 4 lines 43-53). Jachmann teaches according to the method/system and teaches general updating to reflect status of dictation jobs(col 5 lines 24-26). Clark also discloses a database management system(col 5 lines 50-60)(Fig 1/104) which includes a patient workflow subsystem(Fig 1/105) and which provides a means of accessing management reports for each department in patient workflow(col 5 line 52-col 7 line 7). Clark further discloses recording an encounter session with a patient(col 6 lines 6-9) which may, in the special case be none.

Conclusion

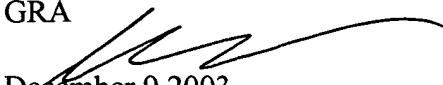
7. **THIS ACTION IS MADE FINAL.**

8. Questions concerning this communication should be addressed to the primary examiner, Dr. Geoffrey Akers, P.E. who can be telephoned at (703)-306-5844 between the hours of 6:30 AM

Art Unit: 3624

and 5:00 PM Monday through Friday. If attempts to reach the primary are unsuccessful, the primary's superior, Mr. Vincent Millin, SPE, may be contacted at (703)-308-1065.

GRA


December 9, 2003

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER